

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MKS INSTRUMENTS, INC. and APPLIED :
SCIENCE AND TECHNOLOGY, INC. :
 :
Plaintiffs, : Civil Action No. 00-1004-JJF
 :
v. :
 :
ADVANCED ENERGY INDUSTRIES, INC. :
 :
Defendant. :

SPECIAL VERDICT FORM

We, the jury, unanimously find as follows:

I. INFRINGEMENT

1. Do you find that MKS/ASTeX has shown by a preponderance of the evidence that Advanced Energy's Rapid product infringes any of the following asserted claims of the '628 patent? (As to each claim, a "YES" answer is a finding for PLAINTIFF MKS/ASTeX. A "NO" answer is a finding for DEFENDANT Advanced Energy.)

Claim 1	YES _____	NO _____
Claim 19	YES _____	NO _____
Claim 42	YES _____	NO _____

Contributory Infringement

2. If you answered "YES" to claim 42 in response to question 1 above, do you find that MKS/ASTeX has shown by a preponderance of the evidence that Advanced Energy contributed to infringement of that claim?

(A "YES" answer is a finding for PLAINTIFF MKS/ASTeX. A "NO" answer is a finding for DEFENDANT Advanced Energy.)

Claim 42 YES _____ NO _____

II. VALIDITY

Obviousness

3. Do you find that Advanced Energy has shown by clear and convincing evidence that any of the following claims of the '628 patent is invalid due to obviousness?

(As to each claim, a "YES" answer is a finding for DEFENDANT Advanced Energy. A "NO" answer is a finding for PLAINTIFF MKS/ASTeX.)

Claim 1 YES _____ NO _____

Claim 19 YES _____ NO _____

Claim 42 YES _____ NO _____

4. If you answered "YES" for any claim in question 3, list for each claim the prior art on which you relied:

III. DAMAGES

5. If you have found at least one claim of the '628 patent infringed and not invalid, do you find MKS/ASTeX has proven by a preponderance of the evidence that it is entitled to lost profits damages?

(A "YES" answer is a finding for MKS/ASTeX. A "NO" answer is a finding for Advanced Energy.)

YES _____

NO _____

6. If you answered "YES" to question 5, above, what amount of lost profits damages do you find MKS/ASTeX has proven by a preponderance of the evidence?

AMOUNT \$ _____

7. If you have found at least one claim of the '628 patent infringed and not invalid and answered "NO" to question 5, above, what reasonable royalty do you find MKS/ASTeX has proven by a preponderance of the evidence?

ROYALTY _____%

AMOUNT \$ _____

You each must sign this Verdict Form.

Dated: _____

Jury Foreperson

Juror

Juror

Juror

Juror

Juror

Juror

Juror